

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

BOB STUMP – Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

**RECEIVED**

AUG - 1 2013

ARIZONA CORP. COMM  
100 W CONGRESS STE 218 TUCSON AZ 85701

2013 AUG -6 A ID: 43

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

AUG - 6 2013

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION  
OF THE TOWN OF SAHUARITA TO  
UPGRADE A CROSSING OF THE UNION  
PACIFIC RAILROAD AT SAHUARITA  
ROAD IN THE TOWN OF SAHUARITA,  
PIMA COUNTY, ARIZONA, USDOT NO.  
742-129-B.

DOCKET NO. RR-03639A-13-0193

**CERTIFICATION OF NOTICE  
AND  
NOTICE OF APPEARANCE**

The Town of Sahuarita hereby certifies that it has complied with the public notice provisions of the Procedural Order dated June 20, 2013, as provided hereinafter.

On June 27, 2013, the Town of Sahuarita provided the Union Pacific Railroad and Farmer's Investment Company with a copy of the Application and the Procedural Order by certified mail. On July 3, 2013, the Town provided both parties with a copy of the Amended Procedural Order by certified mail.

On July 10, 2013, the Town of Sahuarita published a public notice, in the form and substance set forth in the Procedural Order, in the Sahuarita Sun, a weekly newspaper of general circulation in the area where the crossing is located. A copy of the Affidavit of Publication is attached hereto as Exhibit A and incorporated herein by this reference.

On July 10, 2013, the Town of Sahuarita published a public notice, in the form and substance set forth in the Procedural Order, in the Arizona Daily Star, a daily newspaper of general circulation in the area where the crossing is located. A copy of the Affidavit of Publication is attached hereto as Exhibit B and incorporated herein by this reference.

The Town of Sahuarita hereby notifies the Commission and parties that it shall be

1 represented in these proceedings by the undersigned counsel, who is the Town Attorney of the  
2 Town of Sahuarita, and who is a duly licensed attorney at law.

3 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of July, 2013.

4   
5 Daniel J. Hochuli

6 Town Attorney  
7 Town of Sahuarita, Arizona  
8 375 W. Sahuarita Center Way  
9 Sahuarita, Arizona 85629  
10 (520) 822-8830

11 *Original and thirteen (13) copies*  
12 *of the foregoing filed this*  
13 *30<sup>th</sup> day of July, 2013, with:*

14 Docket Control  
15 ARIZONA CORPORATION COMMISSION  
16 400 W. Congress, Suite 218  
17 Tucson, Arizona 85701

18 *A copy of the foregoing mailed*  
19 *this 30<sup>th</sup> day of July, 2013, to:*

20 Alex Popovici, Manager  
21 Industry & Public Projects  
22 UNION PACIFIC RAILROAD COMPANY  
23 631 S. 7<sup>TH</sup> Street  
24 Phoenix, Arizona 85034

25 Anthony J. Hancock  
26 Terrance L. Sims  
BEAUBUREAU, ZUKOWSKI, &  
HANCOCK, P.C.  
302 E. Coronado  
Phoenix, Arizona 85004  
Attorneys for Union Pacific Railroad Co.

Vicki Beaver  
Manager, Utility & Railroad Engineering  
ARIZONA DEPARTMENT OF  
TRANSPORTATION  
205 South 17<sup>th</sup> Avenue, M/D 618E  
Phoenix, Arizona 85007

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Brian Lehman, Chief  
Railroad Safety Section of the Safety Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

By:

  
Martha A. Montgomery

Paralegal to Daniel J. Hochuli

# EXHIBIT A

## AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA

COUNTY OF PIMA

)  
:SS.  
)

TERRY MOTYCKA being first duly sworn, deposes and says that he is the Public Notices Manager of the **SAHUARITA SUN**, a newspaper published every Wednesday in the County of Pima, State of Arizona, and of general circulation in said County, and that the hereto attached

### PUBLIC NOTICE

APPLICATION OF THE TOWN OF SAHUARITA TO  
UPGRADE A CROSSING OF THE UNION PACIFIC  
RAILROAD AT SAHUARITA ROAD IN THE TOWN  
OF SAHUARITA, PIMA COUNTY, ARIZONA  
USDOT NO. 742-129-B  
DOCKET NO. RR-03639A-13-0193

was printed and published in the regular and entire issue of said **SAHUARITA SUN** for 1 issue(s); that the first was made on the 10<sup>th</sup> of July, 2013 and the last publication thereof was made on the 10<sup>th</sup> day of July, 2013; that said publication was made on each of the following dates, to-wit:

7/10/2013

Request of (L) TOWN OF SAHUARITA

## sahuarita sun

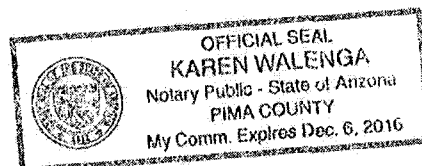
By:



Subscribed and sworn to before me this 10TH day of JULY, 2013



Notary Public in and for the County of Pima, State of Arizona  
My Commission Expires: DECEMBER 6, 2016



# PUBLIC NOTICE

## IN THE MATTER OF THE APPLICATION OF THE TOWN OF SAHUARITA TO UPGRADE A CROSSING OF THE UNION PACIFIC RAILROAD AT SAHUARITA ROAD IN THE TOWN OF SAHUARITA, PIMA COUNTY, ARIZONA, USDOT NO. 742-129-B. (DOCKET NO. RR-03639A-13-0193)

On June 11, 2013, the Town of Sahuarita ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at Sahuarita Road in the Town of Sahuarita, Pima County, Arizona at USDOT No. 742-129-B.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on this matter commencing on October 8, 2013, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 12, 2013. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the applicant at (520) 344-7100. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

## EXHIBIT B

### ARIZONA DAILY STAR

Tucson, Arizona

STATE OF ARIZONA)  
COUNTY OF PIMA)

Debbie Capanear, being first duly sworn deposes and says: that she is the Advertising Representative of **TNI PARTNERS**, a General Partnership organized and existing under the laws of the State of Arizona, and that it prints and publishes the Arizona Daily Star, a daily newspaper printed and published in the City of Tucson, Pima County, State of Arizona, and having a general circulation in said City, County, State and elsewhere, and that the attached ad was printed and

#### Legal Notice

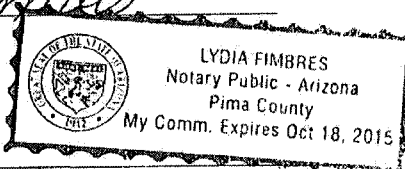
published correctly in the entire issue of the said Arizona Daily Star on each of the following dates, to-wit:

JULY 10, 2013

*Debbie Capanear*

Subscribed and sworn to before me this 18 day of  
July, 2013

*Lydia Fimbres*  
Notary Public



My commission expires

AD NO.

8048860

#### PUBLIC NOTICE

IN THE MATTER OF THE  
APPLICATION OF THE TOWN OF  
SAHUARITA TO UPGRADE A  
CROSSING OF THE UNION  
PACIFIC RAILROAD AT  
SAHUARITA ROAD IN THE  
TOWN OF SAHUARITA,  
PIMA COUNTY, ARIZONA  
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Publish July 10, 2013  
Arizona Daily Star